

Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS

June 10, 2010

- I. **CALL TO ORDER** - The meeting was called to order at 1:32 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Frank Penn, Chair; Mike Cravens, Mike Owens; Ed Holmes; William Wilson; Carolyn Richardson; Joan Whitman (arrived at 1:39 p.m.), Patrick Brewer; Lynn Roche-Phillips (arrived at 1:39 p.m.); and Marie Copeland. Derek Paulsen was absent.

Planning Staff Present – Bill Sallee, Barbara Rackers, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, and Jimmy Emmons. Other staff members in attendance were: Hillard Newman, Division of Engineering; Ed Gardner, Department of Law; Captain Charles Bowen, Division of Fire & Emergency Services; Bob Carpenter, Division of Building Inspection; and Jeff Neal, Traffic Engineering.

- II. **APPROVAL OF MINUTES** – Chairman Penn reminded the members that the prior Planning Commission meeting minutes of April 22, 2010, were previously distributed to the Commission, and were ready to be considered at this time

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson and carried 8-0 (Roche-Phillips, Whitman and Paulsen absent) to approve the minutes of April 22, 2010, meeting.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. **DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD)** (8/1/10)* - located at 1460 Newtown Pike.
(Council District 2)

(Wheat and Ladenburger)

Representation – Mike Meuser, attorney, was present representing the applicant, and requested postponement of DP 2010-26 to the July 8, 2010, Planning Commission meeting.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens seconded by Ms. Richardson, and carried 8-0 (Roche-Phillips, Whitman and Paulsen absent) to postpone DP 2010-26 to the July 8, 2010, Planning Commission meeting.

- b. **PLAN 2010-13P: FAIRWAY LANDS, UNIT 11** (5/02/10)* - located at 350 Henry Clay Boulevard.
(Council District 5)

(EA Partners)

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2010-13P to the July 8, 2010, Planning Commission meeting.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Roche-Phillips, Whitman and Paulsen absent) to postpone PLAN 2010-13P to the July 8, 2010, Planning Commission meeting.

- c. **DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.)** (6/24/10)* – located at 6600 Man O' War Boulevard (a portion of).
(Council District 12)

(EA Partners)

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of DP 2006-65 to the July 8, 2010, Planning Commission meeting.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Richardson, seconded by Mr. Cravens, and carried 8-0 (Roche-Phillips, Whitman and Paulsen absent) to postpone DP 2006-65 to the July 8, 2010, Planning Commission meeting.

- d. **DP 2008-137: MOHAMMAD SERAJI PROPERTY (AMD.)** (8/26/10)* - located at 432 South Broadway.
(Council District 3)

(Mohammad Seraji)

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2008-137 to the June 24, 2010, Planning Commission meeting.

* - Denotes date by which Commission must either approve or disapprove plan.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-0 (Roche-Phillips, Whitman and Paulsen absent) to postpone DP 2008-137 to the June 24, 2010, Planning Commission meeting.

Note: Ms. Roche-Phillips and Ms. Whitman arrived at the meeting at this time.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, May 6, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Derek Paulsen and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, and Denice Bullock, as well as Rochelle Boland, Law Department and Bob Carpenter, Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, Chairman Penn requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these two items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. **PLAN 2010-49F: THOMAS H. & ANN C. ASBURY PROPERTY (8/1/10)* - located at 4810 Briar Hill Road.**
(Council District 12) **(CDP)**

Note: This plan requires the posting of a sign and an affidavit of such. This is an agricultural subdivision creating a 40-acre tract and 190-acre tract.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Denote all non-buildable areas per Article 6-4(j) of the Land Subdivision Regulations.
7. Denote Tract 2 boundaries as solid lines.
8. Denote required building lines on Tract 2.
9. Addition of private utility providers per Article 5-4(e) of the Land Subdivision Regulations.
10. Correct land surveyor's certification.
11. Denote dedication of additional 5' of right-of-way.

Mr. Sallee noted that PLAN 2010-49F requires an affidavit documenting the posting of the sign for the property.

* - Denotes date by which Commission must either approve or disapprove plan.

2. PLAN 2010-51F: CHEVY CHASE SUBDIVISION, UNIT 19, LOT 7 (8/1/10)* - located at 1136 Providence Lane.
(Council District 5) **(Foster – Roland, Inc.)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection/tree canopy information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Clarify area of access easement (remove garage and landscape buffer area).
 9. Correct front yard setback and denote the Board of Adjustment's approval.
 10. Correct Urban County Engineer's certification.
 11. Correct local telephone utility information.
 12. Correct plan title.
 13. Add note required to comply with Article 5-4(g) of the Land Subdivision Regulations.
3. PLAN 2007-242F: RK MANAGEMENT (8/26/10)* - located at 601 Adcolor Drive.
(Council District 1) **(Allen Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots and add an access easement, along with sanitary sewer and storm drainage easements.

Note: The Planning Commission originally approved this plan on December 13, 2007, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscape buffer and required street tree information.
4. Approval of street addressing by e911 staff.
5. Addition of correct easement information (west end of property).
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Place site statistics within a box.
9. Resolve boundary bearing and distances conflict with the approved development plan.
10. Addition of access easement cross-section and Adcolor Drive cross-section.
11. Kentucky Transportation Cabinet's approval of dedication of New Circle Road right-of-way.
12. Delete note number 4.
13. Improve street cross-section legibility.
14. Provided the Commission makes a finding regarding lot access via an access easement.

Note: The Commission's approval has expired and the applicant now requests reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

Mr. Sallee noted that a finding must be granted by the Planning Commission, which was previously distributed to the Commission.

4. PLAN 2008-114F: COVEY RIDGE DEVELOPMENT COMPANY (AMD) (8/24/10)* - located at 5527 Athens-Boonesboro Road. (Council District 12) **(Allen Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

Note: The Planning Commission originally approved this plan on September 11, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
6. Correct zoning in site statistics.
7. Addition of cross-section for I-75 and the adjacent service road.
8. Verify and correct location of cell tower lease area.

* - Denotes date by which Commission must either approve or disapprove plan.

9. Denote access easement use and maintenance responsibilities.
10. Denote reciprocal parking and access.
11. Urban Forester's approval of the tree protection area.
12. Resolve proposed property line inconsistency with certified development plan, including sign location.

Note: The Commission's approval has expired and the applicant now requests reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

5. PLAN 2008-138F: MEADOW OAKS, UNIT 1-A (ASHFORD OAKS) (8/26/10)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Clarify label of cross-section for "G-G."
9. Denote private street maintenance responsibilities.
10. Verify exaction information to the approval of the Division of Planning.
11. Clarify public versus private right-of-way dedication.
12. Addition of conditional zoning notes and development standards from approved development plan.
13. Resolve possible conflicts between development standards and plan notes.

Note: A portion of this plat (Section 1) has been recorded. However, the Commission's approval of the remainder has since expired. The applicant now requests reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

6. PLAN 2008-139F: MEADOW OAKS, UNIT 1-B (ASHFORD OAKS) (8/26/10)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Verify exaction information to the approval of the Division of Planning.
9. Addition of conditional zoning notes and development standards from approved development plan.
10. Denote the 25' conditional zoning setback along Greenbrier golf course (lots 17-26).
11. Resolve possible conflicts between development standards and plan notes.

Note: A portion of this plat (Section 1) has been recorded. However, the Commission's approval of the remainder has since expired. The applicant now requests reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

7. PLAN 2008-140F: MEADOW OAKS, UNIT 1-C (ASHFORD OAKS) (8/26/10)* - located at 3414 Feliciana Lane.
(Council District 12) **(EA Partners)**

Note: The Planning Commission originally approved this plan on November 13, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection areas.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.

* - Denotes date by which Commission must either approve or disapprove plan.

7. Addition of utility and streetlight easements, as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Verify exaction information to the approval of the Division of Planning.
10. Addition of conditional zoning restrictions and development standards from approved development plan.
11. Denote the sanitary sewer easement across the greenway.
12. Resolve the extent and timing of the greenway dedication.

Note: A portion of this plat (Section 1) has been recorded. However, the Commission's approval of the remainder has since expired. The applicant now requests reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

8. DP 2010-27: BAPTIST HEALTHCARE SYSTEMS, INC. (AMD) (8/1/10)* - located at 1740 Nicholasville Road.
(Council District 3) **(HDR Engineers)**

Note: The purpose of this amendment is to add a 428,040 square-foot addition and off-street parking.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections, access and internal circulation.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection plan.
 6. Greenspace Planner's approval of the treatment of greenways and greenspace.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
 9. Correct note #4 to state "Engineering Manual."
 10. Denote the height of the proposed buildings.
 11. Addition of bearings, distances and boundary information for 1644 Nicholasville Road.
 12. Denote Cherokee Park intersection location on plan.
 13. Denote construction entrance location.
 14. Addition of dimension of the access point to Hiltonia Park.
 15. Denote easements per Article 21-6(a)(10) of the Zoning Ordinance.
 16. Identify canopies as solid lines and denote height.
 17. Where it conflicts (on northern ½ of property), delete existing information in favor of proposed.
 18. Recordation of a consolidation plat prior to plan certification.
 19. Remove 100' building line conflict with parking garage.
 20. Denote the timing and construction of required (conditional zoning) landscape buffer for Phase I.
 21. Denote location of necessary pedestrian and bike connection to adjoining property, per the Greenspace Planner.
9. DP 2010-28: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2 DEVELOPMENT, LOT 17 (AMD)
(8/1/10)* - located on Sir Barton Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to add building square footage and off-street parking on lot 17.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Addition of name and address of developer.
11. Denote construction access location.
12. Addition of site statistics for lot 10.
13. Correct property owner's certification.
14. Relocate Sir Barton access to denote shared access to both lots 16 and 17 (along zoning boundary).
15. Denote the sidewalk to Sir Barton Way from new office building.
16. Denote sanitary sewer easements.
17. Remove the northern access proposed on Sir Barton Way.

* - Denotes date by which Commission must either approve or disapprove plan.

Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed for a full discussion.

Planning Commission Comment – Chairman Penn asked if anyone in the audience or on the Commission wished to discuss any of these items listed on the Consent Agenda. Matt Carter, Vision Engineering, requested that DP 2010-28 be removed from the Consent Agenda for further discussion. Ms. Copeland requested that DP 2010-27 be removed from the Consent Agenda for further discussion.

Action - A motion was made by Mr. Owens, seconded by Ms. Whitman and carried 10-0 (Paulsen absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. FINAL SUBDIVISION PLAN

- a. PLAN 2010-50F: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2, LOTS 16, 17 & 18 (8/1/10)* - located on Sir Barton Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to subdivide one lot into three lots.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection information.
6. Division of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
9. Denote: This property shall be developed in accordance with the approved final development plan.
10. Addition of name and address of developer.
11. Addition of private utilities per Article 5-4(e) of the Land Subdivision Regulations.
12. Addition of Urban County Engineer's certification.
13. Addition of building lines across entire property frontage (20' & 50').
14. Correct owner's, engineer's, land surveyor's and the Commission's certifications.
15. Correct note #1 to reference the Engineering Manuals.
16. Correct zoning information and street frontage in site statistics.
17. Remove side yard setbacks.
18. Revise note # 6 to the approval of the Division of Traffic Engineering.
19. Correct utility easement information.
20. Discuss the proposed waiver to Article 4-7(d)(1) of the Land Subdivision Regulations.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the final subdivision plat for this property located on Sir Barton Way. She oriented the Commission to the surrounding area and said that the property is bounded by Winchester Road, I-75 and Sir Barton Way. She then said that this is the last remaining P-1 portion of the property, and the purpose of this plat is to subdivide the property into three lots.

Ms. Gallt stated that the Subdivision Committee reviewed the applicant's request, and recommended approval of this plat, subject to the conditions listed on the agenda. She noted that the applicant has requested a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations regarding the required public improvements, which would be addressed by Mr. Martin.

Waiver Presentation – Mr. Martin stated that the applicant has requested a waiver to Article 4-7(d)(1) of the Land Subdivision Regulations. He said that this waiver request is for the required construction of the sewer line that will serve this site.

* - Denotes date by which Commission must either approve or disapprove plan.

Mr. Martin oriented the Commission to the surrounding street system, and said that currently this site is one large remnant that was created by the dedication of Sir Barton Way, as well as the construction of the adjacent Wal-Mart and Lowe's stores.

Mr. Martin stated that, when a property is subdivided, the Land Subdivision Regulations require the construction of the sewer improvements to be completed. He said that, in reviewing the development plan (DP 2010-28), the applicant wants to coordinate the construction of the sewer line with the development of lot 17. He then said that the required sewer line is 8" in diameter and is approximately 1,200 feet in length.

Mr. Martin said that there are several constraints on this lot that include a nearby creek crossing, which will require the approval of the Kentucky Division of Water for a permit. He then said that there are several easements that surround the property that include a 30' sanitary sewer force main easement adjacent to I-75; a 40' KU easement; and a 50' gas transmission easement that transects the proposed lot 18.

Mr. Martin stated that the staff and the Division of Engineering have reviewed the applicant's request, and agree that the waiver request is justified, for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant, due to the significant site constraints that inhibit a timely coordination of construction of the prerequisite sanitary sewer line to serve lot 17.
2. Granting the waivers will not negatively impact public health and safety, as construction of the sewer line and manholes will be coordinated with the development of lot 17.

He stated that the staff recommendation is made subject to the following additional requirement:

- a. Denote: No Certificate of Occupancy shall be issued for lot 17 until the sewer line extension and manholes are constructed in compliance with the Engineering Manuals and accepted by the Division of Engineering.

Mr. Martin concluded by noting that lot 16 to be is a non-buildable lot.

Planning Commission Questions – Ms. Roche-Phillips asked for clarification regarding the non-buildable lot. Mr. Martin said that lot 16 is zoned A-U and with the required setbacks and constraints associated with this lot, the applicant has designated it as a non-buildable area. He then said that lots 17 and 18 are the two areas that can be developed. Ms. Roche-Phillips asked the depth of the subject site. Mr. Martin said that the subject site width extends from 76' deep at the southern boundary over 600' along the northern boundary. Ms. Roche-Phillips asked the purpose of creating a lot if it is not buildable. Mr. Martin said that the applicant will need to address that question.

Representation – Matt Carter, Vision Engineering, was present. He stated that they are in agreement with the 19 conditions, and requested approval of PLAN 2010-50F.

Planning Commission Question – Mr. Penn asked if the applicant was in agreement with condition number 20. Mr. Carter replied affirmatively. Mr. Sallee clarified that condition number 20 would change to reflect the additional recommendation listed on the waiver report.

Ms. Roche-Phillips asked for clarification as to why the undeveloped lot is being separated from the other lots. Mr. Carter said that it is standard for any remnant lot to be platted. He said that as part of the clean-up for this site, the applicant no longer wants to maintain this section of the land. He noted that the Hamburg Homeowners' Association already maintains this land. Ms. Roche-Phillips asked if this lot will be dedicated to the Hamburg Homeowners' Association as a non-developable lot. Mr. Carter replied that the plat will designate this lot as non-developable.

Ms. Whitman asked if the waiver should be acted upon separately. Mr. Sallee replied that it could be incorporated into a single motion.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Cravens, and carried 10-0 (Paulsen absent) to approve PLAN 2010-50F, subject to the conditions listed on the agenda, to include granting the waiver to Article 4-7(d)(1) of the Land Subdivision Regulations, for the reasons provided by the staff.

3. DEVELOPMENT PLANS

- a. DP 2010-27: BAPTIST HEALTHCARE SYSTEMS, INC. (AMD) (8/1/10)* - located at 1740 Nicholasville Road.
(Council District 3) **(HDR Engineers)**

Note: The purpose of this amendment is to add a 428,040 square-foot addition and off-street parking.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.

* - Denotes date by which Commission must either approve or disapprove plan.

2. Urban County Traffic Engineer's approval of street cross-sections, access and internal circulation.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct note #4 to state "Engineering Manual."
10. Denote the height of the proposed buildings.
11. Addition of bearings, distances and boundary information for 1644 Nicholasville Road.
12. Denote Cherokee Park intersection location on plan.
13. Denote construction entrance location.
14. Addition of dimension of the access point to Hiltonia Park.
15. Denote easements per Article 21-6(a)(10) of the Zoning Ordinance.
16. Identify canopies as solid lines and denote height.
17. Where it conflicts (on northern ½ of property), delete existing information in favor of proposed.
18. Recordation of a consolidation plat prior to plan certification.
19. Remove 100' building line conflict with parking garage.
20. Denote the timing and construction of required (conditional zoning) landscape buffer for Phase I.
21. Denote location of necessary pedestrian and bike connection to adjoining property, per the Greenspace Planner.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the amended development plan for property located at 1740 Nicholasville Road. He oriented the Commission to the surrounding area and said that the property fronts Nicholasville Road and is bounded by Hiltonia Park to the south, an office park to the north and the University of Kentucky to the rear.

Mr. Martin said that the purpose of this amendment is to add a 428,040 square-foot addition and off-street parking to the Central Baptist Hospital. He then said that this will include removing a single entrance to the north and utilizing existing entrances into the property. He noted that, once this property is fully developed, there will be over a million square feet and will include over 3,000 parking spaces on site.

Mr. Martin said that, at the time the zone change was approved, conditional zoning restrictions were attached to the development plan. He then said that some of those restrictions included a landscape buffer area to the north; access into the campus and establishing a pedestrian and bicycle connection at the rear of the property. He noted that, as of now, the University of Kentucky has not agreed upon an access connecting the two properties; and, as far as the pedestrian bicycle connection being added, this would allow a better flow in conformance with the Greenway and Bikeway Plan.

Mr. Martin stated that the Subdivision Committee reviewed the applicant's request, and recommended approval, subject to the conditions listed on the agenda. He said that, as part of those conditions, the applicant will need to denote the timing and construction of the required (conditional zoning) landscape buffer for Phase I, as well as denote the location of necessary pedestrian and bike connection(s) to the adjoining property, per the Greenspace Planner. He noted that the applicant will also need to submit a consolidation plat for the former Church property and the hospital property.

Planning Commission Question – Mr. Penn asked for clarification to the construction entrance. Mr. Martin said that there is a condition listed on the agenda to denote the location of the construction entrance.

Representation – Rena Wiseman, attorney; along with Skip Alexander, Central Baptist Hospital Director of Construction and Ben Edelen, HDR Engineers, was present. She stated that they are in agreement with the conditions listed on the agenda, and requested approval of DP 2010-27.

Ms. Wiseman noted that this process has been ongoing since 2002, at which time the hospital realized it was running out of space. She said that parts of the hospital date back to the 50s and are out of compliance with today's standards. She then said that, in an effort to expand the hospital, they had purchased the adjacent land and were granted a zone change with numerous conditions attached. Along with those conditions, the applicant also has a separate agreement with the nearby neighborhood association.

Ms. Wiseman said that the current Central Baptist Hospital schematic is similar to what was shown to the Commission in 2002. She said that the hospital wants to relocate the Women's Program to the new facility due to the maternity area being overcrowded, as well as providing for the cancer treatment rooms to be in one central location versus throughout the hospital. She noted that, due to the Cancer Center's sensitive nature, that portion of the building will have a dedicated entrance for the patients. She then noted that the parking structure shown on the 2002 rendering is very similar to what is being shown on the current rendering.

Ms. Wiseman stated that the parameters of the conditional zoning restrictions and the agreement with the Shawnee Place Neighborhood Association are being followed. She said that the Shawnee Place Neighborhood had a concern

* - Denotes date by which Commission must either approve or disapprove plan.

with the scope of the project and they wanted an additional buffer to be provided. In an effort to relieve those concerns, the applicant had agreed to a 100' setback between the subject property and the neighborhood. She noted that the neighborhood is not adjacent to the hospital, but rather there is an office park between the two. She said that the applicant had agreed to provide a 50' landscape buffer with a berm during Phase I, as well as to construct the road. Ms. Wiseman said that the adopted Zoning Ordinance requires specific plant material to be used, but the applicant will be corresponding with the neighborhood association on a more detailed landscape plan.

Ms. Wiseman said that, in reviewing the history of this property, there were once 7 access points leading into the hospital; and with this development plan, there will only be two access points remaining along Nicholasville Road. The main access will be at Cherokee Park, and the construction access will be at Arcadia Park. The entrance previously used for the Church will be closed. She said that there is a 100' landscape buffer proposed for Nicholasville Road, which is a continuance of the landscaping already being provided by the hospital.

Ms. Wiseman stated that the applicant has spoken with the Greenspace Planner, and they will continue to work on providing a better pedestrian access in the rear of the property. She said that there is a requirement on the plan noting that, prior to filing an amendment to this plan, the applicant must contact the neighborhood association at least 20 days in advance, which Mr. Alexander has done with this amendment.

In conclusion, Ms. Wiseman said that there were concerns with what could happen to this campus, and this project shows the commitment made by Central Baptist Hospital. She then said that they are in agreement with the conditions listed on the agenda, and requested approval of this item.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Richardson, seconded by Ms. Whitman, and carried 10-0 (Paulsen absent) to approve DP 2010-27, subject to the conditions listed on the agenda.

- b. DP 2010-28: HAMBURG PLACE FARM, SIR BARTON WAY OFFICE PARK, PHASE 2 DEVELOPMENT, LOT 17 (AMD) (8/1/10)* - located on Sir Barton Way. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to add building square footage and off-street parking on lot 17.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Addition of name and address of developer.
11. Denote construction access location.
12. Addition of site statistics for lot 10.
13. Correct property owner's certification.
14. Relocate Sir Barton access to denote shared access to both lots 16 and 17 (along zoning boundary).
15. Denote the sidewalk to Sir Barton Way from new office building.
16. Denote sanitary sewer easements.
17. Remove the northern access proposed on Sir Barton Way.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the amended final development plan for property located on Sir Barton Way. She oriented the Commission to the surrounding area and said that the property is bounded by Winchester Road, I-75 and Sir Barton Way. She then said the purpose of this development plan amendment is to add building square footage and off-street parking one lot. Currently there is a proposal for an entrance directly across from an existing access point on Sir Barton Way, as well as a proposed shared entrance between two lots.

Ms. Gallt stated that the Subdivision Committee reviewed the applicant's development plan, and recommended approval, subject to the conditions listed on the agenda. She said that the applicant had recently submitted a revised plan; and with that submittal, condition number 14 has been met. She then said that condition number 17 references the northern access proposed on Sir Barton Way. At the time the original plan was submitted, the applicant was proposing a right-in and right-out only without a complete intersection. She said that the applicant has revised the access point by making it a complete intersection, to include left turn lanes. She then said that the shared access for lots 16 and 17 will only have a right-in and right-out access.

* - Denotes date by which Commission must either approve or disapprove plan.

In conclusion, Ms. Gallt said that with the revised submittal, the staff is recommending approval, subject to the conditions listed on the agenda.

Planning Commission Questions – Mr. Owens asked if there is a median cut at the southern access point with the right-in and right-out only at the southern access. Ms. Gallt said that there is a median cut on the northern access and the applicant was proposing a right-in and right-out only. She then said that the southern access does not have a median cut. She noted that the applicant had met with Traffic Engineering on site, should the Commission have additional questions.

Representation – Matt Carter, Vision Engineering, along with Steve Wright, Jimmy Ball and Steve Tinsley, were present. He said that, after meeting with Traffic Engineering on site, it was agreed upon that the right-in and right-out access was not a good situation. He said that having a full entrance does provide more safety and, coupled with the turn lanes, will benefit this intersection. He then said that the southern entrance is a right-in and right-out access point, and with there being no median cut at this location, it should decrease the traffic at the northern entrance.

In conclusion, Mr. Carter noted that condition number 14 has been met and requested that it be removed. He said that they are in agreement with the conditions listed on the agenda, and requested approval of DP 2010-28.

Planning Commission Questions – Mr. Cravens asked if it is the applicant's intention to remove condition number 17. Mr. Carter replied affirmatively. Referencing condition number 14, he asked if this will be a note placed on the development plan. Mr. Sallee said that condition number 14 was drafted prior to the revised submission being given to staff. He then said that, with the revised plan, the staff believes condition number 14 could be deleted. Chairman Penn asked if Mr. Carter is requesting that condition number 14 be deleted. Mr. Carter replied yes, as well as condition number 17. Chairman Penn asked if staff was agreeable to Mr. Carter's request. Mr. Sallee said that, in speaking with Traffic Engineering, they are agreeable with that request. Chairman Penn confirmed that condition numbers 14 and 17 will be deleted. Mr. Sallee replied affirmatively.

Chairman Penn asked for an explanation as to how these entrances would work. Jeff Neal, Traffic Engineering, explained that as the northern access is shown, it would be an all directional access point. He said that the preferred location is further down Sir Barton Way, but this proposed access point is the next best solution. He then said that this access point will provide a left turn lane into the property directly across from the subject site, as well as a left turn lane into the subject property. He noted that there is adequate sight distance on both sides of this intersection along Sir Barton Way. Mr. Neal said that, on the original submittal, the applicant was showing a right-in and right-out with no median cut opening at the northern access point. With the revised submittal, the median has been opened, and it clearly shows the direction where traffic flow should be moving. As far as the southern access point, the median will be closed, which will prevent traffic from coming across Sir Barton Way.

Ms. Copeland asked if the medians are open. Mr. Neal said that the medians have already been cut and will be modified to accommodate the left turn lanes. He noted that there is an access easement between lots 17 and 18; and when lot 18 is developed, a cross intersection could be provided. Ms. Copeland asked for clarification to the southern access point. Mr. Neal said that the applicant is proposing a right-in and right-out only with no median opening.

In reference to a question from Mr. Holmes, Mr. Neal said that there are 3 access points within the general area. The first access point is at the signalized intersection near the Credit Union; the second access point is the proposed access into the subject site, and the last is at the edge of the subject property that is planned for a right-in and right-out.

Mr. Holmes asked Sir Barton Way's street classification. Mr. Neal said that Sir Barton Way is a collector street, which allows the access points to be closer than an arterial street. He said that the speed limit is set at 35; and as the traffic increases, the speed will also increase.

Ms. Copeland asked if there is any potential for the orphan land to become a park and ride area. Mr. Neal replied that he is unsure. Mr. Sallee replied that the staff is unsure if there are any other park and ride areas designated within the Hamburg area. Ms. Copeland said that there is a potential to have two rows of parking there.

Chairman Penn said that his concern is with lot 18 developing, and the potential of two full intersections being so close together, and asked why this could not be achieved with one shared access serving lots 17 and 18. Mr. Neal said that that would be an ideal solution; but there is already an existing access point on the opposite side, and it is standard practice to have the access points lining up with each other.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Ms. Whitman, and carried 10-0 (Paulsen absent) to approve DP 2010-28, subject to the conditions listed on the agenda, deleting condition numbers 14 and 17.

* - Denotes date by which Commission must either approve or disapprove plan.

- c. DP 2010-29: REDCOACH OF LEXINGTON, PHASE 5, SECTION 2 (AMD #12) (8/1/10)* - located at 3461 Redcoach Trail. (Council District 4) **(Foster – Roland, Inc.)**

Note: The purpose of this amendment is to add six townhouse units.

The Subdivision Committee Recommended: Postponement. There were questions regarding compliance with the floor area and lot coverage requirements of the R-3 zone.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Correct purpose of amendment note.
9. Correct plan designation (delete "minor" amendment reference).
10. Correct parking statistics (1.5 per unit, required).
11. Addition of owner and developer information.
12. Addition of the tree preservation plan (TPP) and required tree canopy.
13. Relocate units to comply with the 20' (perimeter) setback requirement (from park).
14. Revise note #5 to the approval of the Division of Engineering.
15. Revise open space calculation to delete pavement areas.
16. Denote adjacent property owner to the south on plan.
17. Denote construction access location.
18. Document compliance with the Planned Neighborhood Residential (R-3) floor area and lot coverage requirement for proposed units.
19. Resolve building and easement conflict.

Staff Presentation – Mr. Sallee noted that there is a typographical error on the agenda, and a portion of the title should read: "Phase 4, Section 2," not "Phase 5, Section 2" for property located at 3461 Redcoach Trail.

Mr. Sallee stated that the Subdivision Committee had recommended postponement of this item at their June 3, 2010, meeting. He said that since the Committee meeting, the applicant has not submitted a revised submission; however, the staff has new information regarding the site statistics that were not previously known at the Subdivision Committee meeting. He then said that the original purpose of this amendment was to add six townhouse units to the subject property. He said that just prior to the Subdivision Committee meeting, the staff had received an amended application reducing the number of townhomes by one.

Mr. Sallee directed the Commission's attention to the rendering of the development plan, and oriented them to the surrounding street system. He said that the subject property is between Bates Creek Road and Nicholasville Road, south of New Circle Road and north of Man O' War Boulevard. The subject property is located adjacent to Kirklevington Park, which is at the corner of Spangler Drive and Redding Road. He then said that there are several arterial and collector streets within the general area, to include Wilson Downing Road: Spangler Drive: Redding Road: Lansdowne Drive and Laredo Drive.

Mr. Sallee directed the Commission's attention to a photograph on the overhead, further orienting them to the subject property and the surrounding area. He said that the area of amendment had been used as an outdoor pool area and clubhouse for the Redcoach of Lexington Townhome Development. He then said that the Association wants to sell the common property, and allow the area to with townhomes. The proceeds from those sales would then go toward improvements for the overall townhome development. Mr. Sallee directed the Commission's attention to the staff exhibit, and said that the original submittal had requested 6 townhouses, with the access coming off the private street that connects to Laredo Drive. He then displayed the amended submittal, which now shows the same layout, minus one townhome.

Mr. Sallee stated that, as it was reported to the Subdivision Committee, there were concerns with the original submission being in compliance with the floor area and lot coverage requirements for the R-3 zone. He said that those concerns were not resolved with the revised submission, and the site statistics still did not demonstrate compliance with the R-3 zone requirements. In reviewing the original site statistics, the subject property is just under an acre in size, and the density being proposed is 14.46 units per acre. He said that in reviewing the overall open space requirements for this development plan, the minimum open space is being provided with this plan.

Mr. Sallee referenced the Subdivision Committee recommendation shown on the agenda, and said that there are 19 conditions listed, should the Commission grant its. He gave a brief explanation for condition number 8, and said that

* - Denotes date by which Commission must either approve or disapprove plan.

the number of townhomes in the "Purpose of Amendment" note needs to reflect the application. He then said that condition number 12 needs to show the addition of the tree preservation area and canopy that is required. Condition number 13 references the townhome setback being too close to the perimeter of Kirklevington Park. He said that there is no easement along the park side; therefore, the townhomes could be scattered to accomplish an overall average of 20 feet.

Mr. Sallee said that the total number of dwelling units for this area is 12, and the maximum lot coverage is 25 percent. Using the proposed footprint of 20' x 41,' the calculation for the lot coverage is just over the required 25 percent limit. He said that applying for a variance is not possible, and the only relief to adjust this number is through a zone change request. He then said that the staff believes that if the developer were to reduce the total lot coverage for each townhouse by 4 square feet, the total lot coverage would then be in compliance with the R-3 zone requirements. He said that reducing this number could be achieved by redesigning the townhome layout. He then said that condition numbers 14 through 16 are cleanup items related to the information noted in the site statistics. Mr. Sallee stated that, since this request is so close to being in compliance with the R-3 requirements, and if the applicant decreases the lot coverage of each townhouse by 4', the staff believes this to be an approvable plan. He said that condition number 18 will ensure that the townhomes' floor area and lot coverage will decrease by 4 square feet; otherwise, the property will need to be rezoned. He noted that the applicant will need to denote the location of the construction access on the plan. He said that that the gross floor area ratio (FAR) is in compliance with the R-3 zone; and as far as the off-street parking and garage units are concerned the applicant is proposing a total of 19 spaces.

Mr. Sallee said that the staff is comfortable with recommending approval for the original submission dated May 3, 2010, if it were to be modified. He said that the setback along the park side will need to maintain an average of 20' from the perimeter line. He noted that the staff is not recommending approval of the revised submission due to the single standalone dwelling unit, which is not permitted under Article 9 of the Zoning Ordinance. He said that prior to this plan being certified, the necessary changes that have been outlined must be completed. He then said that even though the Subdivision Committee recommended postponement, and the plan has not been revised, the staff does recommend approval of the May 3, 2010 development plan with the 19 conditions listed on the agenda.

Planning Commission Question – Ms. Copeland asked how the dedicated open space from the older development plan can be applied to the recent submission for high density housing, and if this will make the older development plan out of compliance. Mr. Sallee said that, in reviewing the open space requirements for each phase of the development, the lot at the crux of this plan amendment will be 22 percent, and it will still be in compliance with the R-3 zone even if the parking and townhomes were not constructed. He then said that as for the overall development, the open space requirements are still in compliance with the R-3 zone requirements.

Representation – Myke Robbins, Foster-Roland, was present representing the applicant. He stated that they are in agreement with the conditions listed on the agenda, and requested approval of DP 2010-29.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens, and carried 10-0 (Paulsen absent) to approve the May 3, 2010 development plan for DP 2010-29, subject to the conditions listed on the agenda.

A recess was declared by the Chair at 2:48 p.m. and the meeting re-convened at 2:56 p.m.

- d. DP 2010-30: ANDERSON 2 SUBDIVISION (8/30/10)* - located at 425 Chilesburg Road.
(Council District 7)

(Barrett Partners)

Note: This plan requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, sewer, sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.
10. Denote FEMA information on floodplain designations.
11. Denote the source of contour information.
12. Denote maintenance responsibility for areas of common open space.
13. Addition of private utility providers per Article 5-4(e) of the Land Subdivision Regulations.
14. Revise section "B-B" and "C-C" for a 5' building line and include sidewalks in rights-of-way.

* - Denotes date by which Commission must either approve or disapprove plan.

15. Delete 25' utility easement from right-of-way in section "B-B."
16. Denote the location of the pedestrian access into the park to the approval of the Division of Parks and Recreation.
17. Revise boundary of this plan to match gross acreage in site statistics.
18. Discuss timing of wetland construction in greenway.
19. Denote timing of required agricultural fence (per note # 14) prior to recordation of plat.
20. Discuss note # 11 referring to the 25' stream management area.
21. Denote: the utilities will be installed in the existing 25' utility easement outside of the 15' tree protection area.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the preliminary subdivision/final development plan for property located at 425 Chilesburg Road. She briefly oriented the Commission to the surrounding area and said that the property is located just off Chilesburg Road, is adjacent to the Tucker Property to the northeast, and is bounded by Jacobson Park to the southwest. She noted that on the other side of the Tucker Property is an additional residential area.

Ms. Gallt said that the purpose of this request is to allow development of the property into 38 single family lots. She then said that there will also be a greenway and common open space area, as well as a local street leading to the rear of the property that will stub into the Tucker Property.

Ms. Gallt stated that the Subdivision Committee reviewed the applicant's request and recommended approval of this plan, subject to the conditions listed on the agenda. She noted that there are two discussion items remaining on the agenda that will need to be addressed by Mr. Martin.

Mr. Martin stated that the two discussion items remaining on the agenda are in reference to the timing of the required wetland construction in the greenway, and to note #11 concerning the 25' stream management area. Referring to the development plan and to the Stormwater Management Plan for the Expansion Areas 2B and 2C, he oriented the Commission to the location of the subject property, and the path of the proposed street crossing the greenway area. He further pointed out the locations of Jacobson Park, the reservoir, and the highway.

Mr. Martin said that in reviewing the Stormwater Management Plan for this area, there are notations on the plan indicating where existing and constructed wetlands are to be installed. He then said that the staff had raised the question of when these wetlands would be completed because they are part of the stormwater management system. He said that, according to the Stormwater Management Plan, there is a proposal for constructed wetlands to be installed upstream from the stream crossing. There are also existing wetlands downstream from the stream crossing that extend from the subject property toward the reservoir. The issue is the appropriate timing as to when these wetlands will be constructed.

Mr. Martin then said that, in reviewing the development plan, there is a note referencing a 25' stream management area. He noted that this note was placed on the preliminary development plan at the request of the Greenspace Planner to make sure that there is a "no-mow zone" within the greenway next to the stream. He said that this note is not necessary for this plan due to the wetlands being constructed per the Stormwater Management Plan.

Mr. Martin said that the nature of the stream crossing will need an appropriate design, which will need to help with the development of the wetlands. He then said that the existing and constructed wetlands are features identified in the Stormwater Management Plan, and those features could be exactable under the Exaction Program. He noted that the staff understands the challenges with this property and the adjoining properties; but there is a concern with the timing and development of these wetlands. Even though wetlands are a water quality issue, not a stormwater management issue, staff would like to make sure that the timing of these wetlands upstream and downstream from the stream crossing are addressed appropriately.

Planning Commission Questions – Mr. Owens asked if there will be constructed wetlands upstream and if there are existing wetlands downstream. Mr. Martin replied affirmatively, and illustrated to the Commission the location of the constructed and existing wetlands using the Stormwater Management Plan.

Mr. Holmes asked if the Division of Engineering will make sure that the design of the wetlands are appropriate. Mr. Martin replied affirmatively.

Chairman Penn asked if a federal 404 Permit is required. Mr. Martin deferred the question to wither the applicant or the Division of Engineering. He noted that there will be a number of permits required by the State and Federal Agencies.

Representation – Tony Barrett, Barrett Partners, and Richard Murphy, attorney were present representing the applicant. Mr. Barrett stated that they are in agreement with the conditions listed on the agenda, and requested approval of DP 2010-30, changing condition number 18 to read: "Resolve the timing of wetlands" and requested that the Commission removing condition number 20. He said that there will be permits required, but it is unknown at this

* - Denotes date by which Commission must either approve or disapprove plan.

time as to which permit will be required. He then said that the Division of Engineering will make sure which permits are needed from both the State and Federal levels.

Planning Commission Questions – Ms. Roche-Phillips said that there have been issues in the area regarding the required permits, and asked if an application has been submitted to the Army Corps. of Engineers, and if they had made a site visit. Mr. Barrett said that the wetlands do not exist on the subject property, and the Stormwater Management Plan shows the location of the wetlands to be created.

Ms. Roche-Phillips said that there are two wet areas connecting each other and there may be hydrologic soils and vegetation within these areas. She then said that if the Army Corps. of Engineers were investigating this area, they may find wetland areas, and she questioned the permitting for this area. Mr. Barrett said that they are unsure if there are wetlands existing on site. He said that during their site visit they did not observe any wetlands or aquatic plant life along the edge of the stream area. Ms. Roche-Phillips asked if Mr. Barrett was certified by the Army Corps. of Engineers. Mr. Barrett he replied negatively, and said that the Stormwater Management Plan does not identify existing wetlands in this area. Mr. Murphy said that they must have this development plan approved prior to any permits being issued. He noted that a 404 Permit is related to a nonpoint source discharge system and said that for this area it is unknown which permits will be required. He then said that construction will not beginning until 2011, which will give plenty of time to acquire the appropriate permits from both State and Federal agencies.

Ms. Copeland said that, in reviewing the Stormwater Management Plan, there are proposed wetlands downstream of the subject property, and asked if the applicant will be constructing those wetlands. Mr. Murphy said that this is an issue that the applicant wants to resolve with the staff. He said that some of the wetlands in this area extend onto other people's property; and they believe it is not wise to construct individual wetlands at this time, before the other properties are developed. He said that there are wetlands extending from the Gess Property down to the reservoir, and the entire area needs to be studied. Mr. Murphy stated that the wetlands are an exactable item that has been taken into account with the Exaction Program. He said that the money to construct the wetlands is there, but the question is if the wetlands should be constructed now or at the time the entire area is done. He said that if the wetlands were to be constructed after the land is developed, then the exact elevations could be determined. He then said that the applicant's property is one small piece in a larger system, and they cannot trespass onto another property and construct that wetland.

Ms. Copeland asked if there are plans to build a wetland on the Jacobson Park property. Mr. Murphy said that it is their understanding that there are existing wetlands; but, even so, the entire area will need to be studied from the Gess Property down to the reservoir.

Ms. Copeland asked if the applicant will be responsible for the constructed wetlands upstream. Mr. Murphy said that the applicant is responsible for the creation of the wetlands on the subject property. He said that prior to the wetlands being constructed, the overall area, including the adjacent land, will need to be studied.

Mr. Owens asked who is responsible for the land surrounding the subject property. Mr. Murphy said that the property immediately north of the subject property is owned by John Tucker; the property adjacent to the Tucker Property was developed by Barlow Homes; and the Still Meadow subdivision is immediately to the north of that. Mr. Owens said that, in reviewing the Stormwater Management Plan, Barlow Homes should have constructed wetlands on their land, and asked if this has been done. Mr. Murphy indicated that he is unsure.

Mr. Owens asked if this area was constructed, including the street, without the constructed wetlands, what would happen downstream. Mr. Murphy said that they cannot disturb the amount of water coming into the floodplain area.

Mr. Penn asked if the applicant will be developing the area up to where the floodplain area begins, because he cannot understand how the entire area can be developed without providing access through the wetland areas. Mr. Murphy said that the construction of the access will need to be done in a way that it will not disturb the wetland area. He said that this will require a study to show the appropriate agencies that the road layout will not cause hardship on the wetlands.

Ms. Roche-Phillips asked if the road will be crossing a known floodplain. Mr. Murphy indicated that would be the case, and said that a road is allowed to cross a floodplain area. Ms. Roche-Phillips then asked if it has been confirmed that the floodplain does not extend further north or south. Mr. Murphy said that the floodplain area has been delineated on the rendering, and was determined by the identified contour lines.

In response to Mr. Penn's previous question, Mr. Dennis Anderson, applicant, said that whether or not this development is constructed in phases, a comprehensive drainage plan will need to be done for this area. He said that such a plan will provide the correct elevation for the road, at which time the remaining area can be developed. He then said that the entire site will be engineered and the necessary permits will be obtained before any phasing of construction will be done. He noted that the wetlands are not there to retain the water, but rather, to help clean the water. He said that the Exactions Program is set up to either pay someone or give the developer credit for an area that is so constructed.

* - Denotes date by which Commission must either approve or disapprove plan.

Mr. Owens said that on a previous plan, Andover Creek Lane was proposed to connect to this development, and asked if that will happen. Mr. Anderson said that Andover Creek Lane is connected to the Barlow development, but as for it connecting to this site, something would need to happen on the Tucker Property. Mr. Owens said that there is a proposed access coming through the Tucker Property, and asked if this section of the land will be connected at some point. Mr. Anderson said that there are two access points on this site, one at the front of the property and the other at the rear next to the Tucker Property. Mr. Owens said that the original submittal was 60 days ago, and asked if anything has been changed. Mr. Anderson replied that Mr. Tucker does not want the connection made because he believes it would condemn his property. He then said that they could not and would not make the connection; it is only shown on their plan.

Staff Comment- Mr. Sallee said that this plan requires the posting of a sign and an affidavit, and the staff had not yet received that documentation, which Mr. Barrett subsequently submitted.

EAMP Compliance Report – Mr. Martin directed the Commission's attention to the EAMP Compliance Report that was submitted by the applicant, and stated that the Future Land Use Element for this plan is in compliance of the Expansion Area Master Plan criteria. He said that there is a proposal of 3 dwelling units per acre, as recommended in Expansion Areas 2B and 2C.

Mr. Martin then stated that the Community Design Element of the Expansion Area Master Plan addresses the character of the land uses in the Expansion Area. He said that this proposal includes elements such as the greenway that is centrally located on the property, a neighborhood connection with distinct boundaries and no collector streets running through the property. He then said that Chilesburg Road has been designated as a Rural Scenic Road in the Expansion Area Master Plan for Area 2C, and it will be protected through the Special Design Area with a setback of 200' from the right-of-way.

Mr. Martin also described the Infrastructure Report that was previously submitted by the applicant, and noted that Chilesburg Road is a local street that has been designated as a Rural Scenic Road. He said that the subject property will have solid waste services provided by the LFUCG. He then said that there is a Stormwater Management Plan intact that extends from the Gess Property to Jacobson Park. He noted that the wetlands have been identified as part of the Stormwater Management Plan; however, he reiterated that the issue is with how and when these constructed wetlands should be done. He then noted that within the general vicinity there are parks, libraries and schools nearby. Mr. Martin said that this request has demonstrated, but not fully shown, that it is in compliance with the Infrastructure Plan for the Expansion Area Master Plan.

Audience Comment – Chairman Penn asked if anyone in the audience wished to discuss this request. John Tucker was present representing the Tucker Family. He said that there was previous testimony given regarding a future street crossing into the adjacent property, and stated that, at this time, there is no easement for that easement.

Mr. Tucker said that there is a storm water concern in this area; and if the proposed road coming into the property is raised 5 feet above the floodplain area, it will increase the water that is already ponding on his property. He then said that just because there is a floodplain area, it does not give the developer the right to increase the water on another property. This is an issue that has been existing for a long time on this site.

Mr. Tucker stated that he is not against Mr. Anderson developing this property, but precautions need to be taken. He said that as far as the 404 Permit being required, in the past it has been proven that the permit is necessary from the Army Corps. of Engineers when building across a blue line stream. He then said that this requirement needs to be added onto the plan, as a stipulation. He noted that this area needs to be examined by the Army Corps. of Engineers to make sure that wetlands do not currently exist.

Mr. Tucker submitted a series of photographs of Chilesburg Road area being flooded on May 2, 2010, and noted that this is not the first time that Chilesburg Road has flooded. He also gave a brief description:

Photograph # 1 – 05/02/10 at 9:30 a.m. – Vehicle at 501 Chilesburg Road while flooding.
 Photograph # 2 – 05/02/10 at 2:00 p.m. – USGS 03284525 gauge station.
 Photograph # 3 – 05/02/10 at 2:10 p.m. - Vehicle at 501 Chilesburg Road while flooding.
 Photograph # 4 – 05/02/10 at 2:10 p.m. - Vehicle at 501 Chilesburg Road while flooding.
 Photograph # 5 – 05/02/10 at 2:10 p.m. – Tucker Property flooding at the road crossing.
 Photograph # 6 – 05/02/10 at 6:30 p.m. – Park Shelter flooding.
 Photograph # 7 – 05/02/10 at 6:30 p.m. – Park Shelter flooding.
 Photograph # 8 – 05/02/10 at 7:00 p.m. – LFUCG Police vehicle at 501 Chilesburg Road flooding.

Mr. Tucker said that on the day the photographs were taken, the water did not reach its peaking level of 795 feet per cubic second, as it has in the past with a 100-year flood. He said that the actual peak is not known since this is where the flooding gauge is located along the East Hickman Creek Tributary. He then said that every 60 days his property floods with the magnitude of a 100-year flood.

* - Denotes date by which Commission must either approve or disapprove plan.

Mr. Tucker said that it's his understanding that the Gess Property has filed for a Conditional Letter of Map Revision (CLOMR) to adjust the FEMA floodplain area upstream. He then said that there is more than one development draining into the stormwater sewer system that is below the gauge area. He said that Shelter #5 on Jacobson Park has a 600-foot floodplain area, and this area has been flooded to the point that it was 5 feet from the concrete shelter. The water discharge was 359 cubic feet per second, not 795 cubic feet per second.

Mr. Tucker said that if the road is elevated it will increase the water runoff onto his property, and suggested building a new bridge over this creek. He then said that this issue has been going on for years; and according to the USGS report for May 2, 2010, the actual gauge height per foot was 1.5 feet, however, on this day the gauge height reached 5 feet. Water reaching 2 feet or more begins to flood the area. He said that, in reviewing the discharge data (cubic feet per second), once the water reaches 300 cubic feet per second, the area begins to flood. He said that this information is available to the public, and the LFUCG pays to have this gauge station functioning. However, he received information of another gauge station near Shelter 5 that has not been operational since 2001 due to funding being dropped. He said that these stations were put in place to help with the study of the Expansion Area Master Plan, and how new development increases water runoff. He asked why the funding was removed, and who is responsible for this.

Mr. Tucker said that this request needs to be postponed either until the easements are in place or new bridge is built over the creek. He then said that this problem has been ongoing for years, and the information is open to the public to review. He understands that this development meets the requirements, but the practice of increasing the water flow onto someone property must stop.

Planning Commission Questions – Mr. Owens confirmed that photograph 5 is Mr. Tucker's Property. Mr. Tucker replied affirmatively. Mr. Owens asked if there is a road going onto this land. Mr. Tucker said that there is a road leading to the back of the farm.

Rebuttal Comment – Chairman Penn asked if there is anyone wished to rebut any of the testimony given. Mr. Murphy said that they understand the concern with the flooding on Chilesburg Road, but that is not relevant to this hearing. He believes that Mr. Tucker has the right to submit any information to the Commission that he sees relevant; however, the subject site does not drain water toward Chilesburg Road, but rather it drains away from it directly to the reservoir. He said that the subject site is downstream from the gauge stationing and it is down stream from the regional detention basin. The design of the property will allow the water to immediately and directly enter the reservoir without detention. He said that this will allow the water from the subject site to be out of the system should the regional detention facility on the Gess property reach its maximum level and overflow. He then said that this design will help prevent the water from backing up onto other properties.

Mr. Murphy said that, when the road is constructed, the design will not impede the flow of any water across Mr. Anderson's properties. He then said that Mr. Tucker is correct in saying that there is currently no easement from the subject site across Tuckers Lane to the adjacent property; however, as with all developments, that access is required to be stubbed to the next property. He said that, when and if Mr. Tucker's property is developed, this connection can be made versus having a cul-de-sac there. He then said that they were not trying to imply that there is an easement and there is no way that Mr. Anderson will impose anything on Mr. Tucker's land.

In conclusion, Mr. Murphy said that they understand that there is flooding on Chilesburg Road, and no one likes to drive through floodwaters. He said that this property will not contribute to the flooding because the water will be directly entering the reservoir, and the overall design is part of the Stormwater Management Plan. He then said that this area is part of the EAMP the City had designed for the overall layout of the stormwater system so there would not be a lot of detention basins in this area, and the developers must follow that design. He said that the applicant is complying with the terms of the Stormwater Master Plan, and this development will not contribute to the flooding on Chilesburg Road.

Mr. Tucker said that the water flow from the front lots is coming across Chilesburg Road onto his property.

Planning Commission Questions – Mr. Owens asked if the flooding shown is coming from the upstream developments down to the subject site. Mr. Murphy indicated that Mr. Owens was correct.

Ms. Roche-Phillips asked what the difference in elevation is between the rear and front portion of the floodplain, and what the difference in elevation is between the front portion of the floodplain to Chilesburg Road. Mr. Barrett pointed out the ridge line on the development plan, and said that the front lots will flow into the channel along Chilesburg Road into the nearby pond. Ms. Roche-Phillips asked what the point of constructing wetlands is if there will be so much overwash. She then said that it seems the wetlands would be constructed in an area that would decrease the water flow. Mr. Barrett said that the water flow that Mr. Tucker is referring to is coming from the Gess Property on the other side of Chilesburg Road. He said that the water collects in the basin then travels over Chilesburg Road into the floodplain on the subject site. He pointed out the location of where the wetlands should be constructed according to the Stormwater Master Plan. Ms. Roche-Phillips asked if the applicant will be executing what is depicted in the Stormwater Master Plan. Mr. Barrett replied affirmatively. Ms. Roche-Phillips asked if Mr. Barrett is an engineer. Mr.

* - Denotes date by which Commission must either approve or disapprove plan.

Barrett replied that he is not. Mike Craft, the applicant's engineer, replied that when wetlands are designed, the entire watershed system must be studied. He said that the intent of this Stormwater Master Plan was to provide a water quality feature downstream. Ms. Roche-Phillips asked if the constructed wetlands in this area are to purify the water before the water enters the reservoir. Mr. Craft replied that Ms. Roche-Phillips was correct. Ms. Roche-Phillips said that Mr. Tucker is concerned with the runoff coming from the subject site onto his land. She said that wetlands can also be used to slow the water flow down to allow filtration, and asked if there has been any consideration of this for the adjoining properties. Mr. Craft replied that the water flow that Mr. Tucker is referring to is the natural flow of the land. He said that when they begin their construction plans, the existing drainage area will be used; at the same time there will be storm drainage systems carrying the water. He then said that there is a natural break on the subject property, and water will accumulate in the proposed common open space area. Ms. Roche-Phillips asked if the front portion of the site will remain a natural vegetative area. Mr. Craft replied affirmatively. Mr. Barrett said that the Special Design Area follows the ridge line, and the Expansion Area Master Plan requires at least 60 percent of that area to remain as open space.

Mr. Murphy said that the picture that was presented to the Commission is the natural state of affairs that occurs on the Tuckers Property. He said that this is an existing FEMA floodplain that floods with real water as it is shown in the photograph. When and if Mr. Tucker develops this property, there is a floodplain going across his property just as on Mr. Anderson's property. He said that the water coming into the floodplain area will be dealt with through the Stormwater Master Plan that is in place. He then said that the flooding on Chilesburg Road is not germane or relevant to what is being presented to the Commission today. The flooding in this area is a regional situation and the floodplain(s) will still exist after this development occurs.

Mr. Tucker said that if the road is elevated, and there is only a single way into the development, he said that when those houses are flooded in, do not come to him with a condemnation order. He then said that he has given fair warning, and this is against the ethics of engineering. He noted that he will call on them when this happens.

Ms. Copeland asked if there is a concern with the development of this land creating more runoff into Jacobson Park considering the flooding is already so close to the shelter. Mr. Martin replied that the Division of Parks and Recreation had expressed concern with the flooding in the park. He said that they also understand that there is a regional plan that will address the flooding, but at the same time there is an existing floodplain near the shelter that flood. He then said that they understand the overall aspect of the Stormwater Master Plan. Ms. Copeland asked if this will create a larger floodplain area. Mr. Martin deferred the question to the Division of Engineering.

Mr. Owens asked if the Gess Property is fully developed. Mr. Martin replied that it is partially developed. Mr. Owens then asked for a brief explanation as to what is required for a 404 Permit. Mr. Newman, Division of Engineering, said that the applicant will need to submit documentation from the Army Corps. of Engineers for permitting regulations, which will likely be done with a general permit for different activities. He said that one of the permits will include information about road crossings. He then said that the applicant will need to acknowledge certain standard conditions for that road crossing, as well as judicial waters, and the width of land disturbance. He noted that this will be submitted to his office prior to construction.

Mr. Newman stated that the applicant will also need to submit documentation under the State of Kentucky 401 Permit requirements for the water quality certification. He said that this will also acknowledge the general permit to the Army Corps. of Engineers. There will also be a floodplain construction permit that will need to be obtained for the new street to cross the stream and floodplain area. He said that the applicant will need to apply for and document a Conditional Letter of Map Amendment (CLOMR) from FEMA prior to construction. In addition to those permits, the applicant will need to document a Kentucky Pollutant Discharge Elimination System (KPDES) permit for construction activities and erosion control. Mr. Newman said that the Division of Engineering would anticipate these permits to be submitted prior to any new construction.

Ms. Copeland asked, if the reservoir were to become larger, if this would impact the Richmond Road causeway. Mr. Newman said that the water level is controlled by the outlet structure for the reservoir. Ms. Copeland asked if the water flowed through to the other side. Mr. Newman replied affirmatively. He said that there is a detailed FEMA floodplain study that shows the elevations of this area. Ms. Copeland asked when the 404 Permit is issued, if this study will be reviewed. Mr. Newman replied no, and said that the Army Corps. of Engineers will not review the area off site. He said that they are only interested in the area that is being disturbed, which is referred to as area of ordinary high water zone. Ms. Copeland asked if the wetland retains the water or if it only filters the water. Mr. Newman said that a wetland is a water flow quality feature. Ms. Copeland then asked if the water is slowed. Mr. Newman said that the vegetation could slow the water. He then said that if the grading of the land is changed, and the elevations are changed, it could act as a storage area for the water.

Mr. Brewer referred to condition numbers 6 and 10, and asked if these conditions are sufficient to address this flooding issue. He said that the flooding is a valid concern and he wants to make sure this is done in compliance with the regulations. Mr. Martin said that condition number 10 only refers to where the source of information came from. He then said that condition number 6 related to the steep slopes on the site that are associated with flood management. Mr. Brewer then asked if anything else should be done to not increase the problems on the Tucker

* - Denotes date by which Commission must either approve or disapprove plan.

Property. Mr. Martin noted that condition number 1 relates to the Urban County Engineer's acceptance of drainage, storm sewer, sanitary sewers and floodplain information, which should be adequate. He noted that the timing of the wetland(s) is also a design issue.

Ms. Roche-Phillips asked if this is a development plan or a preliminary subdivision plan. Mr. Martin said that this is both, which is common in the Expansion Area. He said that a preliminary development plan was required for the zone change. Since this is for a single family residential development, it is also a preliminary subdivision plan once it is certified, development can begin. The next step would be for a final record plat being submitted.

Chairman Penn asked if the Division of Engineering will be involved with the creation and development of the wetland(s). Mr. Newman replied affirmatively, and said that it is anticipated that there will be construction plans submitted to his office. Chairman Penn confirmed that the Division of Engineering would approve those plans prior to any construction. Mr. Newman replied affirmatively. Chairman Penn then asked, should a road be constructed, if it will be constructed where it does not impede the water. Mr. Newman replied affirmatively. He said that whatever structure is used, it will have to be properly sized, and since the floodplain will be changing, the FEMA CLOMR will be required. Chairman Penn asked if the staff will work with the developer to ensure compliance. Mr. Newman said that everything will need to be done prior to construction approval.

Ms. Roche-Phillips asked if the road will be public or private. Mr. Martin said that the new road will be dedicated as a public street.

Action - A motion was made by Ms. Whitman, seconded by Mr. Holmes, and carried 7-3 (Roche-Phillips, Copeland and Wilson opposed; Paulsen absent) to approve the DP 2010-30, subject to the conditions listed on the agenda, changing condition number 18 to read: "Resolve the timing of wetland construction in greenway" and deleting condition number 20.

Action - A motion was made by Mr. Holmes, seconded by Ms. Richardson, and carried 10-0 (Paulsen absent) stating that the Planning Commission finds that DP 2010-30 is in conformance with the requirements for the EAMP.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Ms. Roche-Phillips, seconded by Ms. Whitman, and carried 10-0 (Paulsen absent) to approve the release and call of bonds as detailed in the memorandum dated June 10, 2010, from Ron St. Clair, Division of Engineering.

D. **SUBDIVISION REGULATION AMENDMENT PUBLIC HEARING**

1. **SRA 2010-2: AMENDMENT TO ARTICLE 5-4(H)(2)** – petition for a text amendment to the Land Subdivision Regulations to provide an alternative Engineer's and Land Surveyor's certification for subdivisions that do not require any infrastructure.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text underlined indicates an addition to the existing Land Subdivision Regulations.)

5-4(h) (2) ENGINEER'S AND SURVEYOR'S CERTIFICATION – If there is no public or private infrastructure (as defined or regulated by the Division of Engineering Technical Manuals) to be constructed, modified or dedicated and no performance and/or warranty surety is required, the following certification shall be used:

"I hereby do certify that this record plan was prepared by me or under my direction; was done in accordance with the provisions of the Land Subdivision Regulations, the Zoning Ordinance, and the requirements of the Planning Commission; that all monuments indicated hereon do exist and their locations, size, and materials are correctly shown; and that, to the best of my knowledge and belief, the information shown hereon is accurate." (Engineer's and/or surveyor's signature, address, date, and seal)

The Subdivision Committee Recommended: Approval, for the following reasons:

1. The proposed change will maintain public health and safety, in conformance with similar long standing requirements for minor subdivision plans. This change will maintain the overall intent of the Land Subdivision Regulations.
2. A small number of major plans, where no public or private infrastructure is being dedicated for use, it is appropriate for licensed land surveyors to certify the accuracy of the plat information, in lieu of a professional engineer.

Staff Presentation - Mr. Martin directed the Commission's attention to the staff report for SRA 2010-2, and noted that this text amendment is to provide an alternative to the Engineer's and Surveyor's Certification. He said that this text amendment would allow a land surveyor to file and sign a Final Record Plat with the Division of Planning. He said that the current language does list both the engineer's and surveyor's signature, but legally a land surveyor alone cannot certify such a plan.

Mr. Martin said that for years it has been a common practice for a land surveyor to submit and sign a minor plan, and on occasions there have been major subdivision plans submitted that did not require any public or private infrastructure; therefore, an engineer's signature was not required. He said that, as of now, a land surveyor cannot certify a Final Record Plan, since a

* - Denotes date by which Commission must either approve or disapprove plan.

licensed engineer or surveyor is required to state in the certification that the infrastructure work has been done and it is an approved engineering design. Therefore, plans submitted by a surveyor required a waiver to be granted by the Planning Commission. For the year 2009, there were four such waiver requests regarding these certifications.

Mr. Martin stated that the staff is recommending approval of this text amendment, for the two reasons identified on the staff report. The Subdivision Committee has also recommended approval of these text changes.

Planning Commission and Audience Comment – Chairman Penn asked if anyone in the audience or on the Commission wished to discuss this item. There was no response.

Action: A motion was made by Ms. Richardson, seconded by Ms. Whitman, and carried 10-0 (Paulsen absent) to approve SRA 2010-2, for the reasons provided by staff.

VI. COMMISSION ITEMS - The Chairman will announce that any item a Commission member would like to present will be heard at this time.

A. APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICER(S) – Mr. Penn stated that he would like to appoint Ed Holmes, Chair; Lynn Roche-Phillips, and Mike Cravens to the nominating committee for Commission officers. He asked that they be prepared to present a slate of officers at the June 24, 2010, Planning Commission meeting.

B. CANCELLATION OF COMMISSION WORK SESSION ON JUNE 17 – Chairman Penn said that in speaking with Mr. King, there are no work items to present to the Commission at this time, and suggested that the previously scheduled June 17th Work Session be cancelled.

Action: A motion was made by Ms. Copeland, seconded by Ms. Richardson, and carried 10-0 (Paulsen absent) to cancel the previously scheduled June 17, 2010, Work Session.

VII. STAFF ITEMS - Staff items, if any, will be considered at this time.

A. APA AUDIO CONFERENCE - Ms. Rackers reminded the Commission that there would be an APA audio-conference in the Division of Planning Conference Room on Wednesday, June 30, 2010, beginning at 4:00 p.m. The title of this conference is "2010 Planning Law Review" and will count toward 1.5 hours of training credit for the Planning Commission members, as well as staff. Mr. Penn asked if the Commission could be reminded of this conference. Ms. Rackers replied affirmatively.

B. PLANNING SERVICES

- During the month of April, the Planning Services staff processed 2 text amendments to either the Zoning Ordinance or Land Subdivision Regulations. Also, 13 Board of Adjustment appeals were processed, all of which were for filed the Board's April meetings. All 13 written staff reports for the April meeting were forwarded to those applicants at least five working days in advance of the BOA public hearing.

In April, 18 subdivision and development plan items were processed by Planning Services staff. Of those, 3 were minor plans and all of those were reviewed within two working days of their filing. This month, another 3 major plans were submitted for certification--all of which were reviewed for compliance with all Planning Commission conditions of approval within five working days of their submission to the Planning Services staff. These plans required an additional 20 follow-up contacts made by Planning Services staff with the plan preparers, all made within two days of the receipt of revised submissions. The staff also provided floodplain assistance for 10 local property inquiries in April.

Processing of the above items included attendance and/or preparation of materials and presentations for the following: Technical, Subdivision and Zoning Committee meetings, one Planning Commission work session, one Planning Commission public meeting, and one Board of Adjustment public hearing. In addition, the staff held several pre-application meetings for subdivision, development plan and Board of Adjustment items.

Also during April, there were 35 updates made to the Registered Neighborhood Association data base, and Planning Services staff assisted 28 unscheduled "walk-in" visitors to the office. Those office visitors were placed with a professional staff member in an average of 2.14 minutes. Much of the remainder of the staff's time was spent answering numerous telephone inquiries from people concerning zoning regulations, subdivision plans, Board of Adjustment appeals, development plans, floodplains and related items.

- Senior Planner Jimmy Emmons, with the help of the Planning Services staff and the I/R Steering Committee, prepared the 2010 I/R Progress Report in April. He presented this report to the Planning Commission and the Council Planning Committee about the progress on the more than 100 recommendations from the I/R Steering Committee in 2008. This report concludes that some 77% of the 104 recommended actions have either been completed, are now ongoing (standard) practices, or are in the process of being implemented. The I/R Steering Committee has begun the process of reprioritization of the remaining recommendations and updating their listing of recommendations and new Infill & Redevelopment initiatives.

* - Denotes date by which Commission must either approve or disapprove plan.

- On the afternoon of Wednesday, April 21, Administrative Officer Barbara Rackers attended the Town & Gown Commission meeting held near downtown Lexington.
- Senior Planners Jim Marx and Tom Martin, along with Administrative Specialist Denice Bullock, are part of a staff workgroup tasked to identify some local options for how we can do a better job of helping people to create “Great Neighborhoods” in newly developing areas of Lexington-Fayette County. Over the next six months, their group will work toward this goal.
- On Monday, April 12, Administrative Specialist Stephanie Cunningham and Barbara Rackers attended the quarterly meeting of the Paris Pike Corridor Commission, held in Paris.
- In April, Jimmy Emmons provided extensive facilitation for a small mixed use building on Jefferson Street, between Ballard Street and Tower Plaza. His efforts resulted in a building permit being issued for construction. This mixed use infill building is intended to have a restaurant on the first floor and two apartments located on the second. This small infill project would not have been possible without the 2009 I/R Zoning Text Amendments, as it is set very close to the street to match the existing street setbacks. This project received the first off-street parking variance granted in almost 30 years from the Board of Adjustment, which is now allowable under the latest I/R zoning provisions.
- As of the end of April, Senior Planner Traci Wade has nearly completed a long term project in the creation of electronic Log Books of all zoning applications filed from 1987 through 2009, including a collection of rezoning Ordinances approved by the Urban County Council..
- Tom Martin provided three flood insurance assistance letters during the month of April to private parties.
- Most members of the Planning Services staff attended at least one session of the third Creative Cities Summit held on April 7th through April 9th at the Civic Center. Almost all of the Keynote Addresses and panel discussions were conducted with one or more Planning Services staff members in attendance. Staff members truly enjoyed being a part of this unique conference.
- Planner Chris Taylor, Stephanie Cunningham and Traci Wade all attended staff-level meetings in April for the Corridor Visual Enhancement Project mentioned in the 2007 Comprehensive Plan. Along with some staff members in the Transportation Planning and Long Range Planning Sections, they will be working over the next 7-8 months to complete this previously identified project, and hopefully provide greater direction for our local land use decision-making as a result.
- On the evening of April 20, Planning Manager Bill Sallee attended a meeting of the Chilesburg Neighborhood Association, which was held at the Athens-Chilesburg Elementary School cafeteria. More than 200 residents were in attendance that evening. The pending Gess Unit 8 development plan was presented to those in attendance that evening, and several citizens questioned the evolution of the development plans for the Gess Property over the years.

C. LONG-RANGE PLANNING

- Creative Cities Summit – All members of the Long-Range Planning staff participated in the Creative Cities Summit, which hosted international leaders in the fields of creative and strategic analysis, economic development, education, and planning. Staff participated in field trips and attended keynote addresses and breakout sessions.
- Complete Streets – Staff assisted the consulting team as they continued their work for the Complete Streets project. The Complete Streets project will result in a policy manual and proposed text amendments that will provide standards for development and redevelopment of the transportation network throughout the community.
- Economic Development – Staff participated in two visioning sessions as part of a planning process by LFUCG and Commerce Lexington to develop an updated plan for Lexington’s economic development efforts. Angelou Economics from Austin, Texas is the consultant for this process. Among other issues, the consultants sought information about the real estate and development markets and the development review process. Likewise, they asked about impediments to growth and other challenges for economic development.
- Green work, Greenways and Bike/Pedestrian – Staff attended the Greenway Coordinating Committee meeting and continued to update the LFUCG trail and greenway properties databases and maps. Staff attended a meeting relating to public art along the Legacy Trail. Staff participated in the Greenspace Commission work session where members discussed updating the greenspace inventory.
- Development Review – Staff conducted a variety of development review duties and meetings, conducted field work, and coordinated greenway and greenspace development issues.

* - Denotes date by which Commission must either approve or disapprove plan.

- General Work Activities – Staff prepared for and attended the Technical Review Committee. Staff answered questions about land use and other comprehensive plan issues as well as neighborhood association issues. Staff updated the Neighborhood Association data base. Using GIS, Census data, and PCensus software, staff created maps and data sets for the Urban County Council, other LFUCG Departments, and agencies and officials outside the government. Staff also attended LFUCG-sponsored training sessions, including PeopleSoft and staff development training.

D. TRANSPORTATION PLANNING

1.1 Surveillance –

- Staff attended the Bluegrass ADD Regional Transportation Committee meeting in April.
- The MPO staff continues to monitor the *Jessamine Journal* and the Jessamine County Comprehensive Plan to track on-going land development and consults with county officials on a regular basis to keep abreast of development activities.
- Staff held the final public meeting (general public) to gather public input on the possible conversion of 2nd Street and Short Street to 2-way traffic.
- Staff worked on a report detailing and summarizing public comments regarding the possible conversion of 2nd Street and Short Street to 2-way traffic.
- Staff attended the statewide planning meeting in Frankfort.

1.2 Title VI/ADA

- No activity during this period.

1.3 Participation Process

- MPO Website Development – website continues to receive new items in all categories. MPO staff updates the web site with new links, graphics and content on a continual basis. In April, the MPO website had 595 unique visitors; 910 visits; 2,116 page views; total 1.52 GB bandwidth usage; and 11,276 hits. There were 282 links from search engines in April.
- The MPO's Twitter site increased its followers to 243 at the end of April up from 216 at the end of March.
- The MPO's new Facebook page had 13 fans at the end of April.
- MPO staff researched opportunities to redevelop the MPO website and better incorporate the use of new media as part of the MPO's participation process.
- The Lexington MPO Public Participation/Involvement Access Database continues to be updated. The database now includes over 850 records.

1.4 Staff Development –

- Staff continues to monitor the latest information from planning, engineering, and traffic engineering publications.
- Staff attended division-wide safety training meeting.
- Staff attended the Creative Cities Summit.

2.1 Congestion Management Process (CMP) –

- Staff continued to work on the Congestion Management Process (CMP) Overview document based on the comments and suggestions received from MPO, LFUCG, and KYTC staff.
- Staff continued working with the KYTC staff to implement a state-wide congestion management program.
- Staff worked on selecting Congestion Management Performance Measures and Corridors.

2.2 Transportation Plan Update –

- Travel Demand Model – Staff modeler continues to provide travel demand forecasts upon request and interprets modeling forecast results.
- MTP 2035 Long Range Projects reviewed for future UPL ranking.

2.3 Air Quality Activities –

- Staff worked with other LFUCG staff on preparation of CMAQ applications.
- Staff requested and tallied TTCC and TPC CMAQ project priorities.
- Staff attended the monthly Lexington Climate Action Plan meeting.
- Staff participated in the Kentucky Climate Action Plan conference call.
- Staff joined a webinar concerning Reducing GHG Through Traffic Operations, Construction, Maintenance and Agency Operations
- Staff attended a Climate Change/Livability/Air Quality conference.
- Staff prepared for resumption of ozone forecasting.

2.4 Intelligent Transportation Systems (ITS) –

- The MPO staff continued to monitor ITS topics and continued coordination with the LFUCG Division of Traffic Engineering, KYTC, and FHWA.

3.1 Transportation/Traffic and Land Use Impact Analysis

- The MPO staff continued to monitor transportation and land use topics, and continued coordination with the LFUCG Division of Planning: Planning Services Staff, and Traffic Engineering when necessary.

* - Denotes date by which Commission must either approve or disapprove plan.

- Reviewed Subdivision and Zoning Plans and participated in development review meetings.
- Monitor all Fayette and Jessamine planning activities to stay abreast with on-going land-use and economic-development planning to the greatest extent possible.
- Traffic count and roadway functional classification and TDM data information was provided to several development professionals, private consultants, realtors, and to citizens in April.

3.2 Multimodal / Transportation Enhancement Planning / Intermodal Planning –

- Trail projects – Staff walked proposed alignments for the Town Branch Trail with the consulting team. Staff attended a Legacy Trail Phase 3 Steering Committee meeting
- Sidewalk projects – Staff discussed the Bates Creek Sidewalk project at the Lansdowne Merrick Neighborhood Association meeting and participated in the consultant selection process for the project. A consultant will be under contract by the end of June.
- Share the Road Campaign – Staff continued work to launch a Share the Road Campaign including public education materials and a marketing campaign that will run through the summer months.
- South Limestone Multimodal Transportation Study – A draft report was distributed to the steering committee. The final document is nearing completion.
- Community Bike Sharing Program – Staff is working with the Department of Environmental Quality and Downtown Lexington Corporation to implement the project. Major tasks underway include environmental clearance for the bike stations and issuing an RFP for the bike sharing equipment.
- Events - Event planning is now underway for Bike Month and Bike Lexington to be held in May. A calendar promoting 60 bike events is being planned and drafted. Registration for a community-wide commuter challenge closed in April. Over 70 local businesses will participate through the month of May.
- Bike Ordinance Revisions – Staff is working with the Mayors Bike Task Force to revise the Bike Traffic Ordinances.
- Complete Streets – Staff assisted with review and coordination for the Complete Streets project.
- Outreach/Presentations – Staff presented at a Sustainability Conference at BCTC and at a Statewide MPO Planning meeting in April.
- Freight Planning – The final draft of the Freight Section Extension is complete and available for review by MPO members and interested parties.

3.3 Transit Planning –

- Staff working on art shelter sites to be implemented in 2010. Attending several meetings to establish CMAQ award implementation.
- Staff working with Dennis Anderson and Tom Blues to establish an art shelter site on next to Anderson Communities as a CMAQ matching project. Establishing a design contest for the chosen site.
- Looking into digital tracking for encroachment permitting. Establishing new improved protocol for encroachments with Carol Schoaf.
- Staff attended FTSB board meeting as Vice Chair.
- Attended meeting with Public Works and Councilman Stinnett to discuss placement of benches etc in ROW. Guidelines will be set by staff in the near future.

3.4 Mobility Office Activities –

- Regular mobility office activities continued this month.

3.5 Project Forecasts –

- Traffic count and roadway functional classification and TDM data information was provided to several development professionals, private consultants, and to citizens in March.
- Identified roadway safety issues within Fayette and Jessamine counties.

4.1 Administration –

- Committee meeting packets were prepared and distributed for the following Transportation Planning/MPO meetings held in April: Bicycle and Pedestrian Advisory Committee (BPAC), Congestion Management Committee (CMC), Transportation Technical Coordinating Committee (TTCC), Air Quality Advisory Committee (AQAC), and Transportation Policy Committee (TPC).
- MPO Newsletter - "Bluegrass Traveler" – working on next edition of newsletter.

4.2 Transportation Improvement Programming (TIP) –

- Compiled and filed copies of all KYTC STIP actions, and state and federal program management authorization forms.
- TIP Modification #7 was processed.

4.3 Unified Planning Work Program (UPWP) –

- Staff reviewed UPWP to ensure work program elements are being fulfilled, monitored, and improved for relevancy and changing Public Works needs.
- Final draft UPWP for FY 2011 was prepared, approved by the TPC and sent to KYTC/FHWA.

* - Denotes date by which Commission must either approve or disapprove plan.

- VIII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers (Cancelled)	June 17, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	June 23, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	June 24, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 1, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	July 1, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 8, 2010

- IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 4:21 p.m.

Frank Penn, Chair

Mike Owens, Secretary

CT/CG/TM/WLS/SDB